

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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## DUSTIN MICHAEL JOSEPH.

Plaintiff,

Case No. 3:22-cv-00177-MMD-CSD

## ORDER

v.

PHILLIPS, *et al.*,

## Defendants.

11       Pro se Plaintiff Dustin Michael Joseph, who is a pretrial detainee in the custody of  
12 the Washoe County Detention Facility, brings this action under 42 U.S.C. § 1983. Before  
13 the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge  
14 Craig S. Denney (ECF No. 33), recommending that the Court grant Defendants’ motion  
15 for summary judgment (ECF No. 26). Joseph had until November 1, 2023, to file an  
16 objection. To date, no objection to the R&R has been filed. For this reason, and as  
17 explained below, the Court adopts the R&R in full and grants summary judgment in  
18 Defendants’ favor.

19 Because there is no objection, the Court need not conduct de novo review and is  
20 satisfied Judge Denney did not clearly err. See *United States v. Reyna-Tapia*, 328 F.3d  
21 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and  
22 recommendations is required if, but *only* if, one or both parties file objections to the  
23 findings and recommendations.”) (emphasis in original). Here, Judge Denney  
24 recommends finding Defendants are entitled to qualified immunity. (ECF No. 33 at 10-  
25 11.) Having reviewed the R&R and the record in this case, the Court will adopt the R&R  
26 in full.

27 It is therefore ordered that Judge Denney's Report and Recommendation (ECF  
28 No. 33) is accepted and adopted in full.

It is further ordered that Defendants' motion for summary judgment (ECF No. 26) is granted.

The Clerk of Court is directed to enter judgment accordingly and close this case.

DATED THIS 15<sup>th</sup> Day of November 2023.



MIRANDA M. DU  
CHIEF UNITED STATES DISTRICT JUDGE